

WISCONSIN

Specific requirement to report sexual assault? No.

Requirement to report non-accidental or intentional injuries? No.

Requirement to report injuries caused by criminal conduct? No.

Additional statutes that may impact competent adult victims of sexual assault? It is mandatory to report gunshot and burns.

STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

Wis. Stat. § 949.01. Definitions.

In this chapter:

(1) "Crime" means an act committed in this state which would constitute a crime as defined in s. 939.12 if committed by a competent adult who has no legal defense for the act.

(1m) "Department" means the department of justice.

(2) "Dependent" means any spouse, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse of a deceased victim who was wholly or partially dependent upon the victims income at the time of the victims death and includes any child of the victim born after the victims death.

(3) "Law enforcement agency" has the meaning designated under s. 165.83 (1) (b)

(4) "Medical treatment" includes medical, surgical, dental, optometric, chiropractic, podiatric and hospital care; medicines; medical, dental and surgical supplies; crutches; artificial members; appliances and training in the use of artificial members and appliances. "Medical treatment" includes any Christian Science treatment for cure or relief from the effects of injury.

(4m) "Pedestrian" has the meaning given in s. 340.01 (43)

(5) "Personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock.

(6) "Victim" means a person who is injured or killed by an incident specified in s. 949.03 (1) (a) , or by any act or omission of any other person that is within the description of any of the offenses listed in s. 949.03 (1) (b) or within the description of the offense listed and the condition provided in s. 949.03 (1) (c) This definition does not apply to s. 949.165

HISTORY: 1975 c. 344, 421; 1977 c. 239; 1979 c. 189; 1981 c. 20; 1983 a. 467; 1985 a. 135 s. 83 (3); 1989 a. 140; 1995 a. 153.

Wis. Stat. § 949.08. Limitations on awards.

(1) No order for the payment of an award may be made unless the application was made within 1 year after the date of the personal injury or death, and the personal injury or death was the result of an incident or offense which had been reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within such period, within 5 days of the time when a report could reasonably have been made. The department may waive the one-year requirement under this subsection in the interest of justice.

(2) No award may be ordered if the victim:

(a) Engaged in conduct which substantially contributed to the infliction of the victims injury or death or in which the victim could have reasonably foreseen could lead to the injury or death. This does not apply to awards to victims under *s. 949.03 (1) (a)*

(b) Committed a crime which caused or contributed to the victims injury or death.

(d) Has not cooperated with appropriate law enforcement agencies.

(e) Is an adult passenger in the offenders vehicle, the crime involved is specified in *s. 346.63 (2)* or *940.25*, and the passenger knew the offender was committing that offense. This paragraph does not apply if the victim is also a victim of a crime specified in *s. 940.30, 940.305, 940.31* or *948.30*

(em) Is an adult passenger in the offenders commercial motor vehicle, the crime involved is specified in *s. 346.63 (6)* or *940.25*, and the passenger knew the offender was committing that offense. This paragraph does not apply if the victim is also a victim of a crime specified in *s. 940.30, 940.305, 940.31*, or *948.30*

(f) Has not cooperated with the department in the administration of the program.

(g) Is included on the statewide support lien docket under *s. 49.854 (2) (b)*, unless the victim provides to the department a payment agreement that has been approved by the county child support agency under *s. 59.53 (5)* and that is consistent with rules promulgated under *s. 49.858 (2) (a)*

(2m) If a claimant other than a victim has not cooperated with the department in the administration of the program, no award may be ordered for the claimant.

(3) No award may be made to any claimant if the award would unjustly benefit the offender or accomplice.

HISTORY: 1975 c. 344, 421; 1979 c. 189; 1981 c. 20; 1983 a. 199; 1985 a. 242, 337; 1987 a. 27; 1987 a. 332 s. 64; 1989 a. 105, 140; 1991 a. 277; 1995 a. 404, 448; 1999 a. 9; 2003 a. 30, 97, 326.

REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

146.995 Reporting of wounds and burn injuries.

(1) In this section:

(a) "Crime" has the meaning specified in s. 949.01 (1).

(b) "Inpatient health care facility" has the meaning specified in s. 50.135 (1).

(2) (a) Any person licensed, certified or registered by the state under ch. 441, 448 or 455 who treats a patient suffering from any of the following shall report in accordance with par. (b):

1. A gunshot wound.

2. Any wound other than a gunshot wound if the person has reasonable cause to believe that the wound occurred as a result of a crime.

3. Second-degree or 3rd-degree burns to at least 5% of the patient's body or, due to the inhalation of superheated air, swelling of the patient's larynx or a burn to the patient's upper respiratory tract, if the person has reasonable cause to believe that the burn occurred as a result of a crime.

(b) For any mandatory report under par. (a), the person shall report the patient's name and the type of wound or burn injury involved as soon as reasonably possible to the local police department or county sheriff's office for the area where the treatment is rendered.

(c) Any such person who intentionally fails to report as required under this subsection may be required to forfeit not more than \$500.

(3) Any person reporting in good faith under sub. (2), and any inpatient health care facility that employs the person who reports, are immune from all civil and criminal liability that may result because of the report. In any proceeding, the good faith of any person reporting under this section shall be presumed.

(4) The reporting requirement under sub. (2) does not apply under any of the following circumstances:

RAPE REPORTING REQUIREMENTS FOR COMPETENT ADULT VICTIMS

Updated January 11, 2007

- (a) The patient is accompanied by a law enforcement officer at the time treatment is rendered.
- (b) The patient's name and type of wound or burn injury have been previously reported under sub. (2).
- (c) The wound is a gunshot wound and appears to have occurred at least 30 days prior to the time of treatment.

History: 1987 a. 233; 1991 a. 39; 1993 a. 27.